

From: [Hunker, Kathleen](#)
To: [Kopplin, Rebecca M. \(CIV\)](#)
Cc: [Vega, Oliver](#); [Thompson, Natalie](#); [Saunders, Elizabeth](#)
Subject: VRLC v. Cardona, 1:20-cv-11104-WGY
Date: Monday, August 16, 2021 3:09:53 PM

Dear Ms. Kopplin,

I represent the State of Texas in the above matter. On July 28, 2021, the U.S. District Court for the District of Massachusetts issued an order for judgment in *VRLC v. Cardona*, 1:20-cv-11104-WGY. In that order, the Court upheld the vast majority of the Department of Education's 2020 Title IX Rule but found Section 106.45(b)(6)(i)'s prohibition of statements not subject to cross-examination to be arbitrary and capricious. I write to inquire whether the Department: (1) intends to appeal the court's finding that Section 106.45(b)(6)(i) violates the Administrative Procedure Act; and (2) intends to defend the upheld portions of the Title IX Rule should the plaintiffs elect to appeal.

Thanks in advance for your prompt response.

Kathleen Hunker

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